

## **REMARKS/ARGUMENTS**

### **Amendments**

The specification is amended to correct the page numbering and several oversights that are grammatical, clerical or typographical in nature. No claims have been amended, cancelled, or added. Therefore, claims 1-20 are present for examination. Applicant respectfully requests reconsideration of this application per the arguments below.

### **35 U.S.C. §102 Rejection, Neofytides et al.**

The Office Action has rejected claims 1-20 under 35 U.S.C. §102(b) as being anticipated by the cited portions of U.S. Patent Publication No. 2002/0152168 to Neofytides et al. (hereinafter "Neofytides"). Applicants respectfully traverse the rejection because the Examiner has failed to set forth a *prima facie* case of anticipation. Indeed, for a patent publication to anticipate the claims, the publication must contain each and every element of the claims. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP § 2131. Neofytides does not include every element of the independent claims.

In embodiments, the present invention provides a method for creating an open network stored benefit account. A purchaser can create the open network stored benefit account. An example of a open network stored benefit account is a gift card from a particular branded credit card association, such as VISA™. In embodiments, a first message is received at a first interface and includes a purchaser account identifier. The purchaser account identifier is used to fund a stored benefit account. A first message response is returned that can be used to determine if a first message response is consistent with the other account information. A second message is received with the application interface and the second message includes recipient account information. The stored benefit account is created with the recipient account information and is backed by an account issuer.

In contrast, Neofytides does not create a stored benefit account but provides methods for transferring value using a stored benefit account. See Neofytides, ¶ [0021] ("The present invention *facilitates online money transfers in or out of a user's stored value fund.*")

(*Emphasis added.*)). Neofytides does not create the stored value fund. See Neofytides, ¶ [0071] ("The depicted portion of the process begins in step 804 where the payee 130, payor 110 and amount are determined for the money transfer. In step 812, it is determined *if the stored value fund of the payor 110 has enough money to fund the transfer to the payee 130.*" (*Emphasis added.*)). That is, the stored value fund already exists before the methods in Neofytides even begins.

**Missing Limitation: "receiving a first message including a purchaser account identifier" or "receiving a first message including a payor account identifier"**

Independent claims 1 and 8 and dependent claims 2-7 and 9-14 require that a first message be received with a purchaser or payor account identifier. Neofytides does not show a message being received with a purchaser or a payor account identifier to fund the stored value fund. Rather, Neofytides shows a transfer from a stored value fund. See Neofytides, ¶ [0021] ("A period expiring and/or a threshold amount being met can cause the *transfer of money in or out of the stored value fund.*" (*Emphasis added.*)). Applicants believe that reliance upon Neofytides to teach receiving a first message including a purchaser or payor account identifier is misplaced and improper.

**Missing Limitation: "it can be determined if a purchaser account can validly fund the stored benefit account" or "it can be determined if a payor account can validly fund the stored benefit account"**

Independent claims 1 and 8 and dependent claims 2-7 and 9-14 require that it be determined whether the purchaser account or the payor account can fund the stored value benefit account. Neofytides does not show a step of determining if the purchaser account or the payor account can fund the stored value benefit account. Rather, Neofytides simply adds money into the stored value account. See Neofytides, ¶ [0072] ("Where there is not sufficient funds in the stored value fund, processing *continues to step 816 to load funds.*" (*Emphasis added.*)). This process is different than determining if a purchaser or payor account can even load funds into the stored value account. Applicants believe that the Examiner's reliance upon Neofytides to teach

determining if the purchaser account or the payor account can fund the stored value benefit account is misplaced.

**Missing Limitation: "the second message includes recipient account information, the stored benefit account is created with the recipient account information" or "the second message includes payee account information, the stored benefit account is created with the payee account information"**

Independent claims 1 and 8 and dependent claims 2-7 and 9-14 require that a second message be received that includes either recipient account information or payee account information and the stored value account is created from the account information. Neofytides does not show such a step of receiving a second message with account information and creating the stored value account with the account information. Rather, Neofytides describes credit card authorization messages that transfer money in or out of an existing account, not an account that is being created. See Neofytides, ¶ [0078]. These transaction messages in Neofytides are not the same. Applicants believe that the Examiner has misplaced his reliance upon Neofytides to teach a second message be received that includes either recipient account information or payee account information and the stored value account is created from the account information.

**Missing Limitation: "producing a first message including a payor account identifier"**

Independent claim 15 and dependent claims 16-20 require that a first message be produced with payor account identifier. Neofytides does not show a message being produced with a payor account identifier to fund the stored value fund. Rather, Neofytides shows a transfer from a stored value fund. See Neofytides, ¶ [0021] ("A period expiring and/or a threshold amount being met can cause the *transfer of money in or out of the stored value fund.*" (*Emphasis added.*)). Applicants believe that reliance upon Neofytides to teach receiving a first message including a payor account identifier is misplaced and improper.

**Missing Limitation: "it can be determined if a payor account can validly fund the stored benefit account"**

Independent claim 15 and dependent claims 16-20 require that it be determined whether the payor account can fund the stored value benefit account. Neofytides does not show a step of determining if the payor account can fund the stored value benefit account. Rather, Neofytides simply adds money into the stored value account. See Neofytides, ¶ [0072] ("Where there is not sufficient funds in the stored value fund, processing *continues to step 816 to load funds.*" (Emphasis added.)). This process is different than determining if a payor account can even load funds into the stored value account. Applicants believe that reliance upon Neofytides to teach determining if the payor account can fund the stored value benefit account is misplaced.

**Missing Limitation: "the second message includes payee account information, the stored benefit account is created with the payee account information"**

Independent claim 15 and dependent claims 16-20 require that a second message be received that includes payee account information and the stored value account is created from the account information. Neofytides does not show such a step of receiving a second message with account information and creating the stored value account with the account information. Rather, Neofytides describes credit card authorization messages that transfer money in or out of an existing account, not an account that is being created. See Neofytides, ¶ [0078]. These transaction messages in Neofytides are not the same. Applicants believe that the Examiner has misplaced his reliance upon Neofytides to teach a second message be received that includes payee account information and the stored value account is created from the account information.

It is with regard to these and other differences that Applicants believe that Neofytides does not anticipate the claims. As such, Applicants respectfully request the Examiner to withdraw the rejection and allow all claims.

Appl. No. 10/714,441  
Amdt. dated November 8, 2007  
Reply to Office Action of August 8, 2007

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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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